

Remarks

The Final Office Action dated August 27, 2003, indicated that claims 1, 4 and 16-23 stand rejected under 35 U.S.C. § 102(e) as being anticipated by *White et al.* (U.S. Patent No. 6,069,890); claims 2, 3, 5, 6 and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *White et al.* in view of *Kuthyar et al.* (U.S. Patent No. 5,909,431) and *Shinohara et al.* (U.S. Patent No. 5,351,237); claims 7 and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *White et al.* in view of the *Schulzrinne et al.* article; and claims 8, 9 and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *White et al.* in view of *Kuthyar et al.* and *Shinohara et al.* and further in view of *Schulzrinne et al.* Each of these rejections is traversed, as addressed below.

New claims 24 and 25 have been added. Support for these new claims may be found, for example, on page 2, line 20 through page 3, line 7. Support for these new claims may also be found in connection with the discussion of FIG. 1 on page 4, line 26 through page 7, line 27.

Claims 1, 16 and 17 have been amended to help the Examiner understand the limitations to which the claimed invention is directed. Specifically, the claims are directed to limitations including “audio information designating a telephonic communication addressee” that is analyzed to determine a type of communication to use. As amended, this analysis is more clearly delineated, while in essence not changing the scope of the claim, specifically pointing out that the analysis involves the communication addressee information. This approach is also discussed in the Specification, on page 11, lines 4-21. In maintaining the Section 102(e) rejection, the Examiner has improperly ignored these limitations when considering the claimed analysis approach in attempts to apply the ‘890 reference, which is not directed to this analysis approach. Specifically, the cited portion of the ‘890 reference is limited to using additional DTMF code that is unrelated to a telephonic communication addressee in designating a particular type of telephone call. The ‘890 reference fails to teach or suggest limitations directed to determining whether audio information is to be coupled to standard switched telephone communications network or processed in accordance with standard Internet transfer protocols in response to information designating a telephonic communication addressee. The claim amendments should help the Examiner understand that the “audio information” limitation in the claims is directed to

the "telephonic communication addressee." With this approach, a user need not necessarily designate any special DTMF code or other characters as required by the '890 reference, and can simply dial a telephone number he or she wishes to call. Therefore, amended independent claims 1, 16 and 17 should be allowable. In addition, claims 2-11 (which depend from claim 1) and claims 18-23 (which depend from claim 17) should be allowable for similar reasons.

Applicant maintains the traversal of the Section 103(a) rejections of claim 12 for reasons similar to those stated above and because the Examiner failed to cite evidence of motivation for modifying the '890 reference. Specifically, claim 12 is directed toward limitations including determining, "in response to data information designating a communication addressee, whether the output is to be selectively coupled to at least one of: the standard switched telephone network and the Internet connection." As discussed above, the cited portion of the '890 reference fails to teach or suggest such a determination and instead selects a communications type for the call in response to a DTMF code, not a communication addressee. Therefore, the asserted combination fails to teach all of the limitations of claim 12 and the Section 103(a) rejection is thus improper.

Moreover, as reiterated in previous responses, the Examiner failed to cite any evidence of motivation for modifying the '890 reference. The Examiner's Answer in the Final Office Action merely states that such motivation is "in the knowledge generally available to one of the ordinary skill in the art." This assertion is conclusory, unsupported by any evidence and contrary to applicable law. In addition, this answer fails to adequately address Applicant's traversal as indicated in M.P.E.P. §707.07(f). Therefore, Applicant maintains that the Section 103(a) rejection of claim 12 is improper and should be removed.

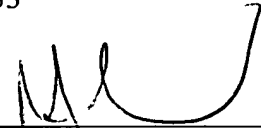
Due to previously-canceled claims, no fee is believed due for new independent claims 24 and 25. However, should any fee be necessary, please charge Deposit Account number 50-0996 (8X8S.004PA).

Applicant believes that the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is encouraged to contact the undersigned at (651) 686-6633.

Respectfully submitted,

CRAWFORD MAUNU PLLC
1270 Northland Drive, Suite 390
St. Paul, MN 55120
651/686-6633

Dated: October 24, 2003

By: 
Robert J. Crawford
Reg. No. 32,122